

City Council Chamber, City Hall, Tuesday, April 25, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 25, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 2:08 p.m. Mayor White called the meeting to order and called on Council Member Garcia to begin presentations. Council Member Garcia stated that he was honored to recognize some very important organizations and individuals; that this week was National Crime Victims Rights Group Week and it was phenomenal to have such groups of people to help victims with their experiences; that he did want to mention Mr. Andy Khan was recognized by the U. S. Attorney General and awarded the Ronald Wilson Reagan Public Policy Award Friday for his seven year campaign making sure sales from murderabilia did not happen, his term for mementos that imprisoned violent criminals tried to sell, and he thanked him for his work; and invited all groups, Parents With Murdered Children, Houston Chapter; Parents of Murdered Children, Heights Chapter; Crime Stoppers of Houston; Harris County District Attorneys Office, Victims Witness Division; Harris County Community Corrections and Supervisions Department, Victims Services; Victims Assistance Center; The Bridge, Houston Police Department's Victims Services Unit; Their Voice; Harris County Domestic Coordinating Council; United States Attorneys Office; YMCA Center; Traffic Center Assistance Program; Attorney General's Office, Houston Regional Coordinator; Texas Department of Criminal Justice; Houston Parole Division; Houston Area Women's Center, to the podium; and stated that such people on a day to day basis 365 days a year served citizens who had the unfortunate experience of being involved in a serious crime; and presented them a Proclamation proclaiming the week of April 23 through April 29, 2006, as "National Crime Victims Rights Group Week" in Houston, Texas. Council Members Johnson, Wiseman, Lovell and Berry absent.

Council Members expressed support to all victims and all those who supported those victims. Council Members Johnson, Wiseman, Lovell and Berry absent.

Council Member Alvarado stated that she was pleased to recognize a city employee and invited Ms. Deloris Jenkins to the podium. Council Member Alvarado further stated that Ms. Jenkins had worked for the City of Houston 23 years and was now retired; and presented her a Proclamation recognizing her service; and Ms. Jenkins thanked all for the recognition and stated that she would be volunteering her services and in her community they wanted buildings torn down and would need the Mayor and Council's assistance and thanked them for passing an item for their community recently where a strip center was now being demolished at 6901 Belfort. Mayor White stated to Mr. Cheatham that he had directed the City Attorney to bring personal suits against those owners of the property and he did not know when the first would be brought but this was another thing they needed to look at; that if they were tax delinquent they would foreclose or sue the owner. Ms. Jenkins recognized all who came with her and thanked them for coming to support her. Council Members Lawrence, Johnson and Lovell absent.

Mayor White invited the Mayor's Youth Council to the podium; and Miss Charlecia Johnson stated that she currently served as the Chair for the Mayor's Youth Council and with her were the other members; that the 2005-2006 Council had launched a survey to identify the most important issues to Houston's youth and those in the Houston area were able to participate to have their voices heard and then they were able to share those concerns with the Mayor and Council and maybe have those findings communicated to be addressed by those in such areas of responsibility; that the report was divided into five categories, Community After School Programs, Crime and Safety, Health Education and Outreach, Traffic and Transportation and Environment and the entire report was placed at the table for the Mayor and each Council Member and based on the findings of the 834 who were surveyed the After School Programs,

especially those contributing to college preparation ranked highly in concerns and though the city did not directly effect the educational process they could help youth amplify their voice to the school districts. Miss Johnson continued to review the report and stated that they hoped the report would be used by other institutions which served the youth. Council Member Lovell absent.

Council Members thanked those on the Mayor's Youth Council for their service and for the report. Council Member Lovell absent.

Council Member Holm recognized Girl Scout Troop 12331 and requested they stand to be recognized. Council Member Lovell absent.

At 2:40 p.m. Council Member Wiseman led all in the prayer and pledge.

At 2:41 p.m. the City Secretary called the roll. All present.

Council Members Garcia and Wiseman moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED

Council Member Khan moved that the rules be suspended for the purpose of moving Mr. Ray Driscoll and Mrs. Pat Martin to the top of the three minute Non-Agenda speakers list, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2006-0320 ADOPTED

The City Secretary began calling the public speakers.

Mr. Stephen Hester, 7000 Regency Square #160, Houston, Texas 77036 (713-974-4621) had reserved time to speak but was not present when his name was called.

Mr. Gordon Quan, 2 West Terrace, Houston, Texas 77007 (713-625-9222) appeared and stated that he was present regarding two items on the Agenda which he worked on during his tenure on Council; that on the Fair Housing Ordinance it had been since 1988 and there had been no updates, to qualify for more federal funding they needed to be in compliance and recognize the needs of those with disabilities and larger families; that he understood it had gone through committee with a favorable review and he was endorsing it; that another item was controversial and had been discussed many times and that was Primrose, he felt it was a win/win for the City of Houston; that there was a lack of affordable housing especially for seniors and if Council Members could visit the complex on Airline near Northline Mall they would see it was a complex they would enjoy living in or enjoy having their parents live in as they were spacious and dedicated to low and very low income; that what was being asked was to approve a loan of \$800,000. and he asked questions about it and the interest rates were regular; that Council had actually approved this agreement in 2003 but because of a snafu on paperwork on the P & P Bond, Payment and Performance, there was a default. Council Members Lawrence, Alvarado and Sekula-Gibbs absent.

Council Member Khan welcomed Council Member Quan and upon questions, Council Member Quan stated that the complex was built when the city discovered the P & P Bond was not in place so they went back to the bonding company and asked for a discount because it was already built and they said no and the full \$500,000. had to be paid so rather than waste the money on that they wanted to enhance services to provide meals and doctors visits, etc., and he felt the cloud which hung over the project was due to an investigation of Southwest Housing which was reported in the Dallas News, but he spoke with Council Members in Dallas and there had been no further action to his knowledge brought by the FBI on that area and he knew the Council would not want their names in anyway tainted because someone said something about them when there was no action being taken by the District Attorney or government agency, he felt they needed to go with facts and it was a win/win for citizens and an organization which had

shown their abilities in many other projects. Council Member Khan stated that Council Member Quan had done a great service to citizens of this city and all recognized it; that the Houston Chronicle had written an editorial praising his work and he wished there were more people like him; that when he chaired the Fair Housing Committee he did speak of this and it was finally coming to pass; that Council Member Edwards was chairperson of the committee now and it was approved this morning and would be in Council tomorrow; and thanked him for his service. Council Member Quan thanked Council Members Khan, Edwards and Sekula-Gibbs for their work and stated that there had been community meetings on this and people were allowed to comment and Barbara Pierce in Legal worked on the comments and worked them into the presentation and they tried to make sure this reflected the will of the community and it would not just be something City Hall thought of. Council Members Lawrence, Alvarado and Sekula-Gibbs absent.

Council Member Garcia thanked Mr. Quan for coming and stated that he went to visit with those at Primrose and they were doing a tremendous amount of good work; that part of the concern was a bribery investigation pending in Dallas and he wanted to make sure it was on public record so all would understand whatever was Dallas business it was theirs and he wanted to make sure Houston's efforts were transparent and he felt the other issue which caught Primrose up in question was Hurricane Katrina, they took in folks and some had a concern the age did not comply, but it did; and he just wanted it on record and Housing comfortable with it and he thought so far all concerns were addressed; and upon questions, Mr. Quan stated that he raised the question to the president of Southwest Housing on if Southwest Housing went up in flames in Dallas how would it affect this property and he indicated he would be willing to sign an agreement with the City of Houston that if an indictment came down against himself or Southwest Housing he would step down from the project and Chase Bank had additional financing and would not let it go into default and they were ready to stand and keep the property; and they had taken in a number of people from the Astrodome when they were in bad condition and opened their apartments without thought of when or if they would get paid and he thought this was a motivation the City of Houston had in re-looking at this project and giving them a chance. Council Members Lawrence, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Brown stated that he recently read carefully the report Council Member Quan's committee put together for housing in neighborhoods recommending clear housing policies for the City of Houston and he would be transmitting that to Council Member Edwards's committee so they could have a meaningful discussion about coming to grips with important policies and standards for housing in the City of Houston; that it was a great report and deserved to be carried forward and he would carry the ball for him; and Mr. Quan stated that he had an item coming before them shortly dealing with more inspectors in the Planning Department and Sheila Blake did extensive training with the AIA, over 100 people were trained and with an additional fee people would pay their plans would be paid in 11 days and he thought it to be an excellent plan and projects would get moving and added to the tax base; and thanked all for their hard work. Council Members Lawrence, Johnson, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that he was present a year ago saying there was chaos at the courthouse and today he was present about the Municipal Courts; that last time Council responded quickly getting rid of the pretrial and fixing the problem; that right now there was a new computer system and warrants were not being issued, with them not being issued there was still a DPS fee being sent in and people could not renew their license until the DPS fee was paid and it could not be taken care of until a bond was posted; that no FTA's were generated and as a result the city was losing money and citizens could not be arrested for 15 days, people were being stopped, handcuffed and placed in the back of police cars while waiting for warrant verification which could never come; that he had records where he posted bonds on a number of clients between March 23 and April 1, 2006 and they had a court date in the rumba system but were still getting stopped by police because they had a warrant in the new system. Council Members Johnson,

Holm, Alvarado and Berry absent.

Upon questions by Council Member Green, Mr. Kubosh stated that the old system was called rumba and he had a court date and a cliff printed by the system and signed by the clerk and the defendant had a court date, but in the new system it showed cases in delinquent status and they were being stopped by police and the cases could not be taken care of; and Council Member Green stated that the courts were aware of it and they were trying to fix the problem, there was an issue as to whether they could get lawyers signatures electronically and that was being worked on so they could speed up the process and police could access the court date information in the computer; and Mr. Kubosh stated that he was in all courts daily and Council needed to be aware that Judges were now data entry courts and it slowed things down, some told him to tell Council that, and some clerks were playing solitaire on the computer because there was nothing for them to do as they were waiting for the judges to enter in with some of them being behind 700 to 1,000 cases and he wished they would go to the courts to see; and Council Member Green stated that he had been and certainly part of what the judges said when being reappointed was they were able to handle it, but what he was saying was judges were saying this may not be the system for them and if that was the case that needed to be looked at as well because he would tell him the \$13,000,000.00 system was not going away, it would be there and they would make it work; and Mr. Kubosh stated that they were being asked to sign a little pad and they should not sign what they can't see and sometimes it had trial by judge and not by jury and also it did not have Spanish, you could not read the document; and Council Member Green stated that he saw the screen they signed and was it that they were not turning it for them to see what they were signing and Mr. Kubosh stated that they could not turn it and let them read everything, but there did need to be a better way. Council Members Johnson, Holm, Alvarado, Lovell and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Kubosh stated that because there were so many Spanish speaking people who were bonded in the past the documents were always in English and Spanish on the other side, but he was not saying it needed to be in every language; and Council Member Sekula-Gibbs stated that one might think if he needed to represent someone in a different language he might get a translator and that would be a part of the case and not put the burden on the city; and Mr. Kubosh stated that they were signing in the courtroom; and Council Member Sekula-Gibbs stated that she did not know if the city should be responsible for it. Council Members Johnson, Holm, Alvarado and Berry absent.

Mayor White stated that he was briefed on the time it took to scan in bonds; and upon questions, Mr. Kubosh stated that when he used to wait at the window, what used to take 30 minutes now took 3 to 6 hours to process the same amount; that before they would just sign the cliffs and then they would be matched up; and Mayor White stated that he was familiar with the problem and the problem scanning and they were trying to move to a more paperless system as were so many organizations; and upon questions, Mr. Kubosh stated that he would be all for electronic signing; Mayor White stated that whenever you had heavy paper introduced into a paperless system designed to make things retrievable under unique numbers then there were problems because you had to do convergence such as scanning and he would put a note to Mr. Lewis and they would follow it; that he knew Mr. Lewis was also keen on having it where the bail bondsmen could do electronic bond filings, it would really cut down; and Mr. Kubosh stated that it would help them also, he would love it. Council Members Johnson, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mr. Greg Howell, 12077 Murphy Road, Sugarland, Texas 77477 (832-566-2267) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mr. Ray F. Driscoll, 8814 Mobud, Houston, Texas 77036 (713-995-7273) appeared and stated that as a former member of City Council he was especially concerned about tax supported entities meeting environmental and financial goals; that he had a company that

analyzed numerous means of lowering emissions economically and safely and one of the better solutions was a bio diesel blend in diesel engines, the Texas Commission on Environmental Quality had approved the use of bio diesel as blended for use in on and off road vehicles and it was a clean burning alternative fuel produced from vegetable oils and was less toxic than salt and more biodegradable than sugar; that it worked with no alteration to the engine and provided similar horsepower, torque and mileage as diesel with the difference between diesel and a 20% blend of bio diesel being 1% to 2% and not noticeable and the flash point for bio diesel even in its pure form was a minimum of 260° versus 125° for regular diesel so it was one of the safest fuels to use, handle and store; that in the mid 1990's bio diesel successfully completed the EPA health effects testing requirements of the Clean Air Act and substantially reduced unburned hydrocarbons by 20%, carbon monoxide by 12% and particulate matter by 12%; that the exhaust had a less harmful impact on human health than diesel and provided reduced engine wear and longer component life. Council Members Lawrence, Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Lovell stated that she would like Mr. Driscoll to complete his speech; and Mr. Driscoll stated that many areas of the US and Europe had been far ahead of Texas in testing and using bio diesel and they felt it was time for Texas, especially the Houston area, to see the benefits of it as a fuel additive. Council Members Lawrence, Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Ms. Pat Martin, 12043 Troulin Drive, Houston, Texas 77072 (281-879-0225) appeared and stated that she lived in Southwest Houston and the impact of Katrina on them was horrible with a high crime area now after living there 26 years; that her doorbell rang at 3:30 a.m. weeks ago and it was a man asking for money and they were terrified; that her heart went out to the Katrina people and she could not imagine the devastation, but there were so many in the area and light poles in the area were bending forward and street lights looked as if they would fall in the street; that she lived off Beechnut between Cook and Kirkwood and maintenance issues there were unbelievable, she thought property owners had to keep property clean, but no one seemed to care and an abandoned car was there for over a year; that she was speaking for herself and neighbors in Catalina Square and they pleaded for 12 years for speed bumps, a light was at Beechnut and Kirkwood and people cut through all day long. Council Members Lawrence, Johnson, Wiseman, Holm, Brown and Sekula-Gibbs absent.

Council Member Khan thanked Ms. Martin for coming and stated that she was not alone they had received such complaints from many in her area and for whatever reason crime was the number one issue in the City of Houston, particularly Southwest Houston, and several things were being done and she could get details at the townhall meeting with Congressman Al Green on May 5th at Houston Baptist University at 6:00 p.m. and he would encourage her and her neighbors to come; that Chief Hurtt came up with an overtime program and Mayor White had received part of a grant to fight crime in the area; that he did value her commitment to her neighborhood. Council Members Lawrence, Johnson, Wiseman, Holm, Brown and Sekula-Gibbs absent.

Council Member Garcia thanked Ms. Martin for coming and stated that he knew they did the right thing helping neighbors from Louisiana, but for those who did not appreciate the welcome mat provided they needed to recognize they were also a law and order city and the Chief understood the issues all across the city and she could rest assure she was not alone, but there was work afoot to address a multitude of issues. Council Members Johnson, Wiseman, Holm, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that at the height in the apartment complex where she lived there was 150 families from Louisiana and now had about 10 to 15 and fortunately they had no problems; and upon questions, Ms. Martin stated that they put in petitions for street bumps and they were told there was no money; that three years ago she asked again for them and she was not told to get a petition, but told there was no money; and Council Member

Edwards stated that crime was crime and she could not help with that, but she did not want all to think all Katrina evacuees were criminals; and Ms. Martin stated that she agreed with her; and Council Member Edwards stated that she would like information so she might assist with the speed bumps; and Ms. Martin stated that she went to the Fire Department as asked and all Chiefs on all shifts signed off they would be safe so she mailed it back and was told there was no money; and some Katrina victims were living in apartments not worthy of a rat; and Council Member Edwards stated that she would like those addresses also. Council Members Johnson, Wiseman, Holm, Brown and Sekula-Gibbs absent.

Mayor White stated to Mr. Norman that he would like him to get the coordinates on that, in general he explained so employees could see the logic and he was familiar with the concentration of new residents around there and therefore he was saying business as usual was not acceptable and he would say to Mr. Norman and the Council Member he would like the identification and to make it a priority; that he was not keen on speed bumps because some were really for it and others did not want to go over them, but he would give expedited consideration to her request; and Mr. Cantu would report back to him about the status of the car on Friday that it was done or why it could not be done if she would give him the address; and if she had to get the address he would give her his personal cell phone number and talk to Neighborhood Protection; that he did not follow what she said about the utility poles sagging; and Ms. Martin stated that along Beechnut and Bellaire utility poles were covered with wires and at Cook and Beechnut and Bellaire light poles were leaning in a falling position and wires were just extended and going no where and at the pole on Kirkwood and Beechnut they had wires circled around the poles like a water hose and she saw it no where else in the city and her concern was whether they were safe; and Mayor White stated he would like Mr. Cantu to get those coordinates and say to the appropriate Center Point representative that the issue came up and ask that they let the city know a week from this Friday, to have a visual inspection and let them know if it was safe; and the city was trying to arrest and remove those who had intent of preying on the vulnerable with some victims being evacuees themselves; and finally as she and other citizens read the news and monitored what was being done, the reason he missed the last Council session was because he wanted to make sure people were not thrown out on the street; and all of this was a serious concern. Council Members Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Henry Moore, 6000 N. Sam Houston Parkway West, Houston, Texas 77067 (713-226-3979) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089 (832-579-6260) appeared and stated that sidewalks had been talked about on his street over and over and it was taking more time because he was told by the energy department they had not assessed it properly, but if his was fixed many other people would have to have theirs fixed and he knew the money was not there, but why were they tearing up and rebuilding streets over and over when other streets were totally torn up in the middle, like on Beamer and in Montrose, the only people getting money was contractors. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mayor White thanked Mr. Barker for coming and stated that he agreed with his comments and that was why there were fewer streets being repaired downtown than a few years ago. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207 (713-649-3985) had reserved time to speak but was not present when her name was called. Council Members

Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mr. Ralph Sikes, 2205 South Boulevard, Houston, Texas 77098 (713-528-7828) appeared and stated that last week he called Council Member Clutterbuck's office about a problem near Edloe and Richmond where a large apartment complex was being constructed and it was densely planned with little open land and they had a permit to block one lane of Edloe from 8:30 a.m. 'til sometime in the afternoon, but they started blocking it at 7:00 a.m. and the Council Member's office said he needed to call 311 to get a reference number and he did and explained and was told they could not give him one because there was no code violation and he should call police so he called Council Member Berry's office and Mr. Norman and something may happen, but there was a problem if you could not get a reference number from 311 and secondly, if redevelopment was going to be so densely planned with no place to deliver materials then the city should charge for use of the street and when it came to it how would people move in without blocking the street. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mayor White stated to Ms. Stein that she check on the 311 reference number and secondly this Council did take action for the reason he indicated of having people pay for permits which was not done and they were collecting on the permit fee based on a formula; that the permit was from 9:00 a.m. to 4:00 p.m. and they were in violation and there should be uniformed people in traffic enforcement who had the responsibility to pursue this; and they were contacted they were in violation of their permit. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Berry stated that his office just called and said they had contacted Mr. Gary Norman in Public Works after speaking to him and Public Works did go out and check on the status of the permit and the permit would not be renewed because they were in violation, but he should have received a tracking number from 311 so his situation could be pulled up and tagged with updates so that was a mistake, but within the rules he understood all that could be done was, but it would be changed. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Brown stated that Mr. Sikes made a good point and it did seem there could be an advanced permitting procedure for when construction projects utilized a street, they should be charged for renting the street; and Mayor White stated that they were, it was voted on two years ago; and Council Member Brown stated West Briar Lane, north of San Felipe between Post Oak and North Post Oak, was closed at Post Oak Blvd. on the eastern entrance due to a proposed project and apparently there was difficulty financing and the project was on hold but the street continued to be blocked and there should be a way to monitor, he could not get information; and Mr. Sikes stated his suggestion would be if someone was allowed to block a lane they should be required to put up a sign about the hours they were allowed to block and who to call to report violations. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mayor White stated to Mr. Norman that was an excellent suggestion, maybe not for a day permit, but for extended construction periods it should be looked into and it should be big enough for people to see and say they were trespassing on city property if they were there during the wrong hours, something very clear as opposed to little signs like at the train tracks; and he would like Public Works to pursue it. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Clutterbuck thanked Mr. Sikes for coming and stated they appreciated him bringing it to their attention and his suggestions were excellent and she looked forward to them being followed up and implemented. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that he was reminded of something he dealt with over the weekend with 311 when he was contacted by well-intended individuals who were having a benefit barbecue and were visited by a health inspector and they had forgotten to get their health permit; that he tried to contact an inspector to find out if there was any process for them and when trying to identify who was in the field and how they could be contacted there did not seem to be a way to know and as he worked with Mr. Fontaine on that he felt it would help citizens and him and others to be able to get a hold of 311 and get an onsite connectivity and maybe that would be another level to take 311 to, being able to get connectivity; and the same thing occurred with garage sales, some neighborhoods had rampant garage sales and there was no inspection even though permits were given out, they were not monitored, some neighborhoods were turning into business corridors on Fridays and Saturdays and it had been brought to his attention they would like something done. Council Members Johnson, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) appeared and stated that he was looking at economic racism and its side affects and going back to March of 2005 and the Black Museum issues and 2001 small business program \$20 million in losses, \$11 million in losses Allen Parkway Village, \$90 million in losses with affordable housing development program; and continued to quote losses and stated that the Black community was tired of their economic development dollars being stolen or misappropriated and they wanted their money and economic racism to be eliminated. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Mr. Glen Anderson, 1206 Roper, Houston, Texas 77034 (713-946-0128) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. James P. Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. Wilson Savoy, Jr., 7950 Bellfort Avenue #230, Houston, Texas 77061 (713-645-7479) appeared and stated that the Texas Workforce Commission had put a scam on him since 2002; that he worked at the Correction House and followed the rules and guidelines, but they got him on a sexual harassment case and it was 100% false, it was a female officer who put her hand in his pants and he wrote the statement and followed procedures and guidelines and put statements under Warden Doyle or Chief Doyle and he was told things would be straightened out; that the next day he went to work and they told him to sign a paper so they could straighten it out, but when he signed it they said it was a sexual harassment case and he was no longer employed there and they had told him he did not need to read it. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Savoy stated that he was terminated in 2002 and never received unemployment benefits; that he called the corporate office and they said the Texas Workforce had denied his unemployment and he went to the commission but they denied his claim, he had an appeal since 2002 and they said he was accepted to draw unemployment and then he got another letter denied; and Council Member Edwards suggested he go to the NAACP Legal Group on Wheeler, Saturdays starting at 10:30 a.m. he could speak to an attorney and see if they could assist him. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. William (Beal) Reagan, 6230 Symare Avenue, Van Nuys, California 91401 (no phone) appeared and stated that he was President of the Hollywood Screen Actors Guild; and continued expressing his personal opinions until his time expired. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.



Reverend Ronnie Thomas, 10015 Valley Sun Drive, Houston, Texas 77078 (281-458-6111) appeared and stated that he was present regarding privatizing Brock Park Golf Course; that he had been a member of the association about 28 years and other members were standing with him today; that they paid taxes and fees to support the facility and now it was a good course, but it appeared they were being forced to give their tax dollars away by the Park Administration by its privatization and it seemed to be set up to fail rather than succeed; that capital improvements had been made in recent years and the staff was doing a good job to keep the course in good shape and he believed all that was needed was cart paths. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Lawrence thanked all for coming and expressing their feelings about Brock; that Council Member Johnson was not able to be present but appreciated them coming. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Lovell stated that she also thanked them for coming and she thought they were at a crossroads in the city right now with the golf courses in that it was her understanding they were losing money and they needed to decide how to make a commitment and not lose money and take from other programs to subsidize them; that she was glad they were present standing up for their golf courses and raising the issue because it would be ongoing until they could figure out how to make them profitable; and Council Member Johnson wanted to apologize for not being present, but he had to leave; and Reverend Thomas stated that he thought their course could be promoted more, if it were marketed it could live up to its potential because it only needed cart paths to be taken to a whole other level. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado thanked the group for coming and stated that in her district she had two golf courses, Glenbrook and Wortham, so she knew how much they meant to a community and they did have her attention, her fourth grade teacher was one among them. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked all for coming and stated that he knew these were issues which needed to be faced, the two most expensive items the city had to worry about were swimming pools and golf courses; and upon questions, Reverend Thomas stated that they definitely did not want to see the course privatized and wanted it to stay in the hands of the city, another interesting thing was he read a report the consultants did on the park and they gave a good review on it so why would the city want to give away their first child; and Council Member Khan stated that the Mayor was facing a difficulty of getting green space for the City of Houston and he would suggest they be careful as if they started privatizing they would be losing it for the public for ever and he would be in favor of keeping and adding to green spaces in whatever form they could; and Mayor White stated that no one wanted to sell the golf course and he was glad they applauded the work being done and the city staff, they were very conscientious and they needed to try and get cost down or revenues up and they were exploring all options. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Reverend Thomas stated that they had not spoken with Mr. Turner in Parks; and Council Member Edwards suggested they get a meeting with him and talk about ideas, sometimes it did not have to be either or but could be and both; that Mr. Turner was usually very open in hearing what the community had to say; and Reverend Thomas stated that he thought if they took it from a marketing and promotional strategy he believed it would improve the usage of the park. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Roy Mata, 234 Seven Hampton, Houston, Texas 77015 (713-453-3392) appeared and stated that he was also to speak on the potential privatization at Brock Golf Course, he was a member of the Brock Golf Course Association and had gone there over 37 years; that Brock became a course in 1955 and between then and 1988 there had been no capital expenditures or funds received from Parks and no tax dollars neither had any green fees been received for improvements, no monies, not until the last five to seven years; and now improvements were made and they were speaking of privatization and it was his experience when courses got privatized deterioration took place. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that Council Member Edwards had an excellent idea that they sit with Mr. Turner at Parks and a representative from Parks was present now to assist them. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Edward Kargbo, 6902 Alderney Drive, Houston, Texas 77005 (713-443-0789) appeared and stated that he was the quality assurance director at Yellow Cab and present on behalf of cab drivers in the City of Houston; that oil was now at its highest price in history and that with the rising price of gas made it obvious they were facing a challenge; that the average cab got 12 miles a gallon and the average driver provided service to approximately 12 to 15 passengers a day and their profit margins were being affected since August when it was an average of \$2.10 a gallon and now it was averaged at \$2.95 a gallon; that they were hoping Council would allow an additional gas surcharge of 50¢ per trip; that their board of directors were conducting a study and working on a proposal which would provide a long-term solution dealing with the fluctuating price of gas, but they were asking permission for the surcharge as soon as possible because of the present rapid rise of gasoline and it should give drivers about an extra \$6.00 a day; and if the gas decreased the surcharge could be lifted without manpower and labor of recalibrating every meter. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Kargbo stated that he worked for Yellow Cab and many drivers had spoke with him; that when gas went up it affected the drivers; and Council Member Khan stated that he had received many calls in the last couple of weeks and was visited by those driving cabs and that was what they were saying, the rapid rise in gas had really affected their livelihood because the money was from their pocket and he thought it would be the right thing to do to see if they could help with the situation; that everyone was suffering except the large oil companies and Council should do what they could to help. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Mr. Kargbo stated that as a company they had not contacted the oil companies, but their board of directors were working on something; and Council Member Edwards stated that the gas was killing her also, but with as many drivers in the city, they were such a large group of people it seemed they would have a bargaining chip and she would like the cab companies to approach one or more of the energy companies to see if they bought in bulk it would give drivers relief. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Kargbo stated that they were doing a marketing analysis at this time, checking on other cities; and Council Member Brown stated that a lot of drivers were independent and they could not buy gas in bulk because they bought it when they were running out at the nearest station; and upon questions, Mayor White stated that the city did do a rate adjustment last year which was long overdo and the study was done by F & A which justified it and the fuel cost was a part of it; that maybe a report by the director of F &

A and who did the study and what the fuel cost assumptions were before the Regulatory Affairs Committee chaired by Council Member Lawrence might be an appropriate venue and on the airport run people had to take into account it reached a point of diminishing returns, you could price yourself out of the market. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was Ali; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official President of the United States; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

At 4:24 p.m. City Council recessed until 9:00 a.m., Wednesday, April 26, 2006. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 26, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 26, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Jarvis Johnson absent due to being ill.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:30 a.m. Mayor White called the meeting to order. Council Members Wiseman, Garcia, Green and Berry absent.

### **MAYOR'S REPORT**

Mayor White stated that he would start with a brief Mayor's Report on a topic that would be covered next week at a Council committee hearing, that there would be a press conference this evening in southwest Houston and he wanted to share with his colleagues some of the substance of that, that the crime statistics through March had some good signs, that the NET Program that had been instituted by the Police Department appeared to be having an effect, the rate of violent crime and overall crime per 100,000 across the City had come down, there had been progress made in some of their hot spots, District 17 in particular, the rate of crime, violent crime and all crime, had gone down significantly, they could not tell exactly how much because they did not have a specific census by district, that in almost every category the crime was the same or down from where it was a year ago in the January through March period, that violent crime in March went down from 108 in the first quarter of 2005 to 94 in the first quarter of this year, and in many of the violent crime categories that they saw across the City the rates of violent crime across the City per 100,000 had gone down significantly from where they were

four years ago, they still had their work cut out for them in the rarest of crimes, homicide, that they still had predators in their mist that had an unacceptable rate, the rate of homicide per 100,000 jumped by 10% from first quarter through first quarter and that was something that was not acceptable, that they were going to continue the battle until they got the rate in line with the declining rates of others, it had several parts to it, first they were going to increase the rewards for identified suspects in homicides to \$10,000 or more, up from the \$5,000 that it was currently, that often those funds available to an excellent organization, Crime Stoppers, were supplemented by victims but they thought they had to have more visibility, that they would publicize the identities of identified suspects, people that they were looking for in connection with some of the homicides, much of the increase that they were concerned about they believed was gang related, that brought them to the second point, the Chief had expanded the Gang Murder Task Force, which was effective in apprehending one gang that had been responsible for quite a number of murders, that was being expanded significantly, and tonight they would be at the location for the first day of a mobile command station for the Gang Murder Task Force that would be located in the hot spots in the City, in the area of Districts 17, 18 and 19, the location would change, but that was where they would have the people from Patrol Investigation, Vice and Narcotics who were working the gang problem, they had to get some of the predators under control, they would accomplish that and would continue to escalate until they saw the statistics moving the right way in that one crime category as they were in the other major crime categories this year, that that there would be a more detailed discussion in the hearing they were having next week. Council Members Wiseman, Garcia and Green absent.

Members of Council thanked Mayor White and Chief Hurtt for their efforts in fighting crime and calling attention to the crime situation, and Council Member Sekula-Gibbs requested the current rates of arrests followed by prosecution and actual imprisonment. Council Members Wiseman, Garcia and Green absent.

### **CONSENT AGENDA NUMBERS 1 through 48**

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**

- Position Two - **MS. SUZANNE PAGE-PRYDE**, reappointment, (Texas House of Representatives District 136 Appointee), for a term to expire 12/31/2006
- Position Three - **MR. ROBERT SILVERS**, reappointment, (Harris County Appointee), for a term to expire 12/31/2006
- Position Four - **MR. WILLIAM HUTZ**, appointment, for a term to expire 12/31/2006
- Position Five - **MR. MARK E. WORSCHER**, reappointment, (HISD Appointee), for a term to expire 12/31/2006
- Position Six - **MR. GARY BAUMGARTNER**, appointment, for a term to expire 12/31/2007
- Position Seven - **MR. CARLOS ALVARADO**, reappointment, for a term to expire 12/31/2007
- Position Eight - **MR. WALTER GOFF**, reappointment, and as Chair, for a term to expire 12/31/2007
- Position Nine - **MR. DANIEL DALY**, appointment, for a term to expire 12/31/2007

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0321 ADOPTED.

2. RECOMMENDATION from Director Building Services Department for approval of

Computer Image for Dedication Plaque for Sylvester Turner Park, GFS F-504B-02-3 - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0322 ADOPTED.

3. RECOMMENDATION from Chief of Police for Injury on duty leave extension for Police Officer **CURTIS HEWITT** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0323 ADOPTED.

**ACCEPT WORK** - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,873,310.47 and acceptance of work on contract with **DURWOOD REENE CONSTRUCTION, L.P.** for Generic Citywide Overlay Package #7, (Work Order Contract); GFS N-1037-44-3 (OL2244) - 03.22% over the original contract amount **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0324 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$323,492.70 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Wastewater Facilities Safety Improvements, GFS R-0302-07-3; (WW4827) - 01.04% under the original contract amount - **DISTRICTS D - EDWARDS; E - WISEMAN and H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0325 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,946,719.95 and acceptance of work on contract with **HUFF & MITCHELL, INC.** for Emnora Lane Sanitary Sewer Replacement, GFS R-2011-35-3 (WW4854-01) - 05.99% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0326 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,743,038.68 and acceptance of work on contract with **CROUCH/KST ENTERPRISES, LTD.** for Switchgear Replacement at the East Water Purification Plant (EWPP), GFS S-0056-35-3 (WA10594-5) - 02.06% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0327 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 10

8. **AIR FLITE, INC** for Schweizer 269 Series Helicopter Replacement Parts for the Police Department - \$856,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member

Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0328 ADOPTED.

9. **CHLORINATOR MAINTENANCE CONSTRUCTION, INC** for Chlorination Equipment Replacement Parts for the Department of Public Works & Engineering - \$389,960.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0329 ADOPTED.
10. **EQUIPMENT SUPPORT SERVICES, INC** for Forklifts through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments \$83,590.33 - Enterprise and Equipment Acquisition Funds - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. MOTION 2006-0330 ADOPTED.

**ORDINANCES** - NUMBERS 11 through 48

12. ORDINANCE finding and determining that public convenience and necessity no longer require that continued use of a waterline easement, containing 4,851 square feet of land, more or less, situated in the Isaac Bunker Survey, A-121, Houston, Harris County, Texas; Parcel SY5-001; vacating and abandoning Parcel SY5-001 to Metro National Corporation, the abutting owner, in consideration of owner's dedication of waterline easement containing 5,337 square feet, payment of \$300.00 minimum fee, and another owner, Memorial City Mall, L.P.'s dedication of waterline easement containing 1,576 square feet and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0381 ADOPTED.
13. ORDINANCE consenting to the addition of 49.1151 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0382 ADOPTED.
14. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 475** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0383 ADOPTED.
15. ORDINANCE establishing the west side of the 600 block of Henderson Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0384 ADOPTED.
16. ORDINANCE establishing the north side of the 2300 block of Watts Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0385 ADOPTED.
17. ORDINANCE establishing the north side of the 4300 and 4400 blocks of Harby Street, the north and south sides of the 4300 and 4400 blocks of Coyle, Jefferson, and Pease Streets, and the south side of the 4300 and 4400 blocks of Leeland Street within the City

of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0386 ADOPTED.

24. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Parkhurst Waterline Replacement Project; authorizing the acquisition of certain real property interests and easements within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property interests and associated costs for appraisal fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of real property interests and easements in, over, upon, across, and under parcels of land situated in the J. L. Stanley Survey, Abstract No. 700 in Harris County, Texas, and being more specifically parts of a 18.7936 acre tract of land conveyed unto Clarence Kendall, II by deed recorded under Harris County Clerk's File Number N580757; part of a 2.06625 acre tract of land conveyed unto Lillian E. Brown by deed recorded in Volume 577, Page 414 of the Harris County Deed Records; part of tract of land conveyed unto Hassie Fontenot by deed recorded in Volume 1431, Page 884 of the deed records of Harris County, Texas – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0387 ADOPTED.
25. ORDINANCE appropriating \$10,000.00 out of General Improvement Consolidated Construction Fund and \$679,019.00 out of the Public Health Consolidated Construction Fund; awarding construction contract to **AMTECH ELEVATOR SERVICES** for Health Department Elevator Renovation at 8000 North Stadium Drive; GFS D-0113-06-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund and the Public Health Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0388 ADOPTED.
26. ORDINANCE appropriating \$713,916.50 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for the Design of Neighborhood Street Reconstruction Program NSR 462 and NSR 466; GFS N-0394-01-2 & N-0399-01-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0389 ADOPTED.
27. ORDINANCE appropriating \$495,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City Of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** for Design of 69th Street Northside Wastewater Treatment Plant Wet Weather Flow and FWSD #23 Bretshire Wastewater Treatment Plant Wet Weather Flow - Discharge Permit Evaluation; GFS R-1000-16-2 (WW4911); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0390 ADOPTED.

28. ORDINANCE appropriating \$220,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for the professional engineering services contract between the City of Houston and **SANDER ENGINEERING CORPORATION** for the Design of Small Diameter Water Lines and Sanitary Sewer Extensions throughout the City (approved by Ordinance No. 98-1248); GFS No. S-0700-OC-2WA10561); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0391 ADOPTED
29. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CY CHAMP PUBLIC UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Cy Champ Public Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0392 ADOPTED
30. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 221; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0393 ADOPTED
31. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **PRESTONWOOD FOREST UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Prestonwood Forest Utility District and certain territory located in the vicinity of Prestonwood Forest Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0394 ADOPTED
32. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 12** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Cinco Municipal Utility District No. 12 and certain territory located in the vicinity of Cinco Municipal Utility District No. 12, in Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent.



ORDINANCE 2006-0395 ADOPTED

33. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HEATHERLOCH MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Heatherloch Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0396 ADOPTED
34. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 46** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 46, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0397 ADOPTED
35. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WESTADOR MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Westador Municipal Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0398 ADOPTED
36. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Chimney Hill Municipal Utility District and certain territory located in the vicinity of Chimney Hill Municipal Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0399 ADOPTED
37. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 11 and certain territory located in the vicinity of Harris County Municipal Utility District No. 11; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0400 ADOPTED
38. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY**

**MUNICIPAL UTILITY DISTRICT NO. 18** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 18 and certain territory located in the vicinity of Harris County Municipal Utility District No. 18 in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0401 ADOPTED

39. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 286 and certain territory located in the vicinity of Harris County Municipal Utility District No. 286; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0402 ADOPTED
40. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 96** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control and Improvement District No. 96 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 96 in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0403 ADOPTED
41. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **JACKRABBIT ROAD PUBLIC UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Jackrabbit Road Public Utility District and certain territory located in the vicinity of Jackrabbit Road Public Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0404 ADOPTED
42. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **LONGHORN TOWN UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Longhorn Town Utility District and certain territory located in the vicinity of Longhorn Town Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0405 ADOPTED
43. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **LANGHAM CREEK**

**UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Langham Creek Utility District and certain territory located in the vicinity of Langham Creek Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0406 ADOPTED

44. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MILLS ROAD MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Mills Road Municipal Utility District and certain territory located in the vicinity of Mills Road Municipal Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0407 ADOPTED
45. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **POST WOOD MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Post Wood Municipal Utility District and certain territory located in the vicinity of Post Wood Municipal Utility District in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0408 ADOPTED
46. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **REMINGTON MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Remington Municipal Utility District No. 1 and certain territory located in the vicinity of Remington Municipal Utility District No. 1 in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0409 ADOPTED
47. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to enter into a strategic partnership agreement with **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 342**; and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 342; on a proposal for the City of Houston to impose the City of Houston's sales and use tax in such territory; on a proposal for the City of Houston to provide the option of police, fire and EMS regulations in such territory; and on a proposal for the City of Houston to annex for limited purposes certain territory located in the vicinity of Harris County Municipal Utility District No. 342; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0410 ADOPTED

48. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to enter into a strategic partnership agreement with **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412**; and on a proposal for the City of Houston to annex for limited purposes certain territory located within Harris County Municipal Utility District No. 412; on a proposal for the City of Houston to impose the City of Houston's sales and use tax in such territory; on a proposal for the City of Houston to provide the option of police, fire and EMS regulations in such territory; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0411 ADOPTED

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**ORDINANCES**

11. ORDINANCE amending **CHAPTER 17 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Discrimination in Housing ("Fair Housing"); containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore; containing a repealer; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0412 ADOPTED
18. ORDINANCE approving and authorizing interlocal agreement between City of Houston and **FORT BEND COUNTY SHERIFF'S OFFICE** for their participation in the Major Accessory Shop Enforcement/14 Grant – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman and Alvarado absent. ORDINANCE 2006-0413 ADOPTED
19. ORDINANCE approving and authorizing interlocal agreements between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)**, the **FORT BEND COUNTY SHERIFF'S OFFICE** and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (METRO)** for their participation in the Major Accessory Shop Enforcement/15 Grant Program and approving and authorizing the submission of an application for grant assistance to the Texas Automobile Theft Prevention Authority ("ATPA") for the Major Accessory Shop Enforcement/15 Grant Program; declaring the city's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent. ORDINANCE 2006-0414 ADOPTED
20. ORDINANCE approving and authorizing extension of Fourth Ward Development Agreement between the City, **HOU-TEX REDEVELOPMENT AUTHORITY**, and the **HOUSTON HOUSING FINANCE CORPORATION - DISTRICTS D - EDWARDS and I – ALVARAD** – was presented. Council Member Wiseman absent.

Council Member Brown asked what kind of oversight and standards and criteria were they imposing on the extension if any, and Mayor White stated that he would suggest that Mr. Jeff Smith and others report back to him concerning the item he raised. Council Member Wiseman absent.

Council Member Edwards stated that the item was discussed very thoroughly in the Housing Committee but there was also a process within the committee itself where they get a status report on what they kind of determined as items of concern, that the project had been going on for ten years and was not about an extension, that they had to weigh whether or not they could get the housing on the ground in the community that was needing it, that they shared some of the concerns and those concerns were raised in the committee meeting, that it was a very deep concern so they would be keeping an eye on the status of this particular item and some others similar to it. Council Member Wiseman absent.

A vote was called on Item No. 20. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent. ORDINANCE 2006-0415 ADOPTED.

21. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, LP, BY ITS GENERAL PARTNER, NEW CINGULAR WIRELESS PCS, LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent. ORDINANCE 2006-0416 ADOPTED
22. ORDINANCE appropriating \$30,000.00 out of Solid Waste Consolidated Construction Fund for Emergency Replacement of Natural Gas Lines located at 5617 Neches Street, CIP L-N/A; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent. ORDINANCE 2006-0417 ADOPTED
23. ORDINANCE awarding contract to **NOSLAR T. I., INC** for Television Production Equipment Repairs and Routine Maintenance Services for the Municipal Channel; providing a maximum contract amount - 3 Years with two one-year options - \$194,682.50 - Cable Television Fund – was presented.

Council Member Edwards stated that she needed to know the status of the Municipal Channel, and Mayor White stated that there were several public access and educational channels that were available under the terms of the franchise ordinance, the one used by HISD and one used by HCC Municipal Channel, the contract with HMS was due to expire, that this particular item related to an equipment maintenance agreement, that they had not put it on until he was satisfied that the contract was cancelable from month to month at the option, that there was some pooling of equipment and facilities that they had with HCC and perhaps HISD on the Municipal Channel, but having said all that Terrence Fontain, Pat Trahan and managers from Municipal Channel HMS and he had asked Council Member Clutterbuck to get up to speed and review some of their work before they got into the 2007 budget, that he wanted to see if they could find some efficiencies without compromising the quality that was available to people, that there was a fair amount of money that was spent, they were tight with the taxpayers money and they wanted to make sure it was spent well and that there was not duplication.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2006-0418 ADOPTED

#### **NON CONSENT AGENDA** - NUMBER 49

#### **MISCELLANEOUS**

49. REVIEW of the record and make determination of the appeal filed by Mabry Cain on the decision of the General Appeals Board on denial of a Manufactured Home Hardship

Permit at 4738 1/2 Larkspur, Houston, Texas 77033 - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.

**MATTERS HELD** - NUMBERS 50 through 55

50. ORDINANCE amending City of Houston Ordinance No. 2006-255, relating to unauthorized Off-Premise Signs; providing for severability – **(This was Item 14 on Agenda of April 19, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2006-0419 ADOPTED.
51. ORDINANCE appropriating \$800,000.00 out of TIRZ Affordable Housing Fund 872; deobligating \$800,000.00 of Federal “HOME” Funds appropriated by Ordinance 2003-1259; amending Ordinance 2003-1259 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas, to house low and very-low income elderly residents; approving compromise and settlement agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT H – GARCIA** - **(This was Item 30 on Agenda of April 19, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and EDWARDS)** - was presented, and tagged by Council Member Green.

After discussion by Council Members, Council Member Holm asked what was the recourse for the people that were living there when the City did not fund it further, and Mayor White stated that there were several different issues that were at work, one about if someone should buy a performance bond after the project was complete, another was what consequences should be and what the understanding was under the performance bond and another was the responsibilities of the landlord given the circumstances they were in and the final question, where would they go from here and what did they want to occur at the property and what were the tools to get that. Mayor White stated that Item No. 51 had been tagged. Council Members Alvarado and Berry absent.

52. ORDINANCE awarding construction contract to **PACE SERVICES, L.P.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Majestic Estates Subdivision; approving and authorizing an assignment of the construction contract to Majestic Homebuilders, Inc., CIP S-0800-G3-3 & R-0800-G3-3 (DPC-092) - **DISTRICT E - WISEMAN** – **(This was Item 46 on Agenda of April 19, 2006, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2006-0420 ADOPTED.
53. ORDINANCE appropriating \$1,695,671.13 out of Parks Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Blackhawk Park, GFS F-504B-07-3; setting a deadline for the bidder’s execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; providing funding for engineering and testing services, construction management, Civic Art, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT E - WISEMAN** – **(This was Item 47 on Agenda of April 19, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2006-0421 ADOPTED.
54. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Parks and Recreation Department for approval of amendments to the Schedule of Park User Fees relating to golf green fees - **DISTRICTS B - JOHNSON; F - KHAN; G - HOLM and I – ALVARADO** – **(This was Item 52 on Agenda of April 19, 2006, POSTPONED BY MOTION #2006-317)** - was presented. All

voting aye. Nays none. Council Member Johnson absent due to being ill. MOTION 2006-0331 ADOPTED.

55. ORDINANCE approving and authorizing contract between the City of Houston and **GIBBS & BRUNS, LLP**, for Legal Services in connection with the collection of Hotel Occupancy Taxes from Internet-Based Hotel Room Resellers – **(This was Item 58 on Agenda of April 19, 2006, POSTPONED BY MOTION #2006-301)** – was presented.

Council Member Alvarado moved to refer Item No. 55 back to the administration, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Johnson absent due to being ill. MOTION 2006-0332 ADOPTED.

After discussion by Council Members, Mayor White stated that they wanted to seek the best and most experienced firms that had the best track record in these kind of cases representing the City on the best possible terms and conditions, that he thought they would be able to find an outstanding firm that would be able to undertake it, that they were all guardians of the institution called the City of Houston and he would encourage people to consult with the City's lawyers and have their lawyers present particularly when meeting with lawyers from the other side so that people did not do something that would jeopardize an asset of the City.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Alvarado stated that she wanted to congratulate the Convention and Visitors Bureau, they received the CVB of the Year by the National Organization and they wanted to applaud them. Council Members Lawrence and Wiseman absent.

Council Member Alvarado stated that tonight they were having a townhall meeting on deed restrictions, which was an issue that several of the Council Members had been somewhat frustrated with and trying to resolve the problems they had with deed restrictions, that the City Attorney and Director of the Planning Department would be there and they were inviting the civic associations that had the most problems with deed restriction issue, that it was at the E. B. Cape Learning Center from 6:00 p.m. to 8:00 p.m. Council Members Lawrence and Wiseman absent.

Council Member Khan stated that he wanted to discuss the special accounts which the Controller talked about, when they came into office in 2004 they were asked by the community to do certain events and they approached the Mayor Pro Tem's office, F&A and the Controller's office and they were told that in order for them to do any of those special events there was a process which they must follow and that was to set up a special account and make sure all of the checks, money raised by the members of the community, be deposited with the Controller's office and all the disbursement should be returned through the Controller's office, that it was his understanding that Council Members did not have any authority to either deposit any checks or write any checks out of any account, it was only the Controller's job to do that, that if they were told at that time to handle the situation in any other way they would have done it that way, so it was not their idea to establish a special account, deposit money in any special account or withdraw money from any special account, that was what they were told and they followed each and every procedure the way they were asked to follow and they had all the detailed records of money which was raised by members of the community, all of the disbursement requests made by members of the community and the conversations they had with many of the officials, so they were given advice and they followed that advice through the minute details, so even today if the Controller wanted to close those accounts he had absolutely no concerns, qualms or disagreements with that, that his concern was that it appeared as if Council Members did something on their own without any knowledge of other City officials and that was what he thought needed to be cleared up, that one of the things in the press release was that these accounts were discovered by the Controller and he did not understand the word discovered because when they were told back in 2004 they were also told that these accounts by other

Council Members had been in place for many years in the past so for somebody to discover it in April 2006, when it had been going on for many years prior to their coming to City Council office was something which he did not get, that there were also statements made about shoddy record keeping, he wanted to make it clear that they as Council Members did not have any responsibility for any record keeping, it was his understanding that it was the responsibility of the Controller's office to make sure that all the record keeping was done and kept and done properly, they were also told that there were some accounts that had negative balances, it was his understanding that it was the responsibility of the Controller's office to certify that the funds were available in any account before a check was drawn on that account, he just wanted to share with them the form which was given to them and it said Controller's office, and Council Member Khan displayed a form from the Controller's office, that it was given to them to account for every deposit to be made and any vendor disbursement to be made, they were required to fill the forms in details and send it to the Controller's office and assumed that the checks were returned out of the Controller's office, that one of the other concerns that he had was that they followed the instructions in good faith, the members of the community who were serving on the committees to do the events acted in good faith and they were led to believe very clearly that any money which they were collecting, raising and depositing for any specific purpose would only be used for that purpose only, that he thought it was only fair that they must use those funds according to the wishes of their community members, lastly, that they had all the records and would be happy to share that, in the future he would request that if Council Members were given any advice on any issue and later on that advice was changed then at least accept that the wrong advice was given to them instead of pointing fingers to the Council Members because they had no way of knowing whether the advice was proper or improper or right or wrong in any way. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Mayor White stated that he thought in the memo that he sent out he made clear that there was a change in policy and if people comported and complied with the policy of the Controller's office and the administration he did not see what was improper for complying with that policy when the policy was in effect, if someone wanted to argue with the policy they ought to argue with the administration in the Controller's office for the policy that was in effect at the time, that it was very important in jobs like this that they speak extremely precisely and he appreciated Council Member Khan's words and the precision of his words in dealing with this important matter and hoped that he would get a report on the negative balances that they heard about, which was news to him. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Green stated that he would agree with Council Member Khan regarding the accounts, he thought it was a very bad perception that Council Members had the ability to even write checks from those accounts, that he watched the news and it looked as if they had the accounts set up so they could just spend them arbitrarily when in fact none of them had access to those accounts and none of them could write checks from the City of Houston, so he thought that right now there was a very tense atmosphere going on around the City when it came to finances and he recognized that but thought it was very important and thought it was incumbent upon them as elected officials to not create issues where there were none, that certainly as Chairman of the Budget and Fiscal Affairs committee he knew there were dealing with the financial issues every day, but his biggest issue, as Council Member Khan stated, that he did not know about the discovery of certain accounts and the shutting down of certain accounts and whether there was the potential for fraud, but he did know if there was the potential for fraud it certainly was not with any of them who had raised money for special purposes because they could not write checks, they did not have access to them or the computers and in fact all they did was present the invoices to the Controller's office and it was the Controller's office that he assumed issued vendor numbers and they paid those vendors so he thought that with this atmosphere around the City he did not think they needed to start cutting each other's throats for the press, that he felt the Controller's office had done a good job of helping them when they had those type of events and to now say it was a bad policy, as the Mayor said, they followed the policy that was in effect and if anything the story was that there was a new policy and they would follow the new policy. Council Members Lawrence, Wiseman



and Sekula-Gibbs absent.

Council Member Green stated that the budget hearings would begin on May 30, 2006 and something that would happen differently this year, and he thought Council Members would appreciate it, was that memo's were going out to each department head asking them to release whatever information they had regarding their budgets as early as possible, and in fact he thought they would get at least one department's budget this week, if not early next week, so that Council Members would have adequate time to not just look over the budget but to analyze the budget and meet with those department heads in order to get their questions answered and to also talk to them about some of the policy issues, one of the things that they did this year, and he was providing copies of last year's budget hearings to each department director, he and his staff had gone through each of the tapes and actually transcribed the most common questions that arose and were letting each department head know that they were asked this question last year and typically that was that Council Member's issue and they asked it the year before and they should be prepared to answer that question in advance and meet with that Council Member in advance, so they were not only asking them to provide as much supporting information along with their budget ahead of time, even before the budget was released, but also to be able to address the questions before the budget hearings, that he said that not to try to silence the Council Members during the budget process but he thought that had been in the past the only tool that they had to get information, was to put the director on the spot during a hearing, so he thought if they got any new questions during the hearing it was probably something that a Council Member just did not think of ahead of time so they could look to get a lot more information a lot earlier this year and their office would facilitate some of the flow of information if they needed that so that they could be better equipped to ask fiscally related questions and as it related to the policy issues those department directors would meet with them ahead of time, that the next Budget and Fiscal Affairs Committee meeting would be next Tuesday, May 2, 2006 at 10:00 a.m. in the Council Chamber so he would encourage everyone to attend that meeting, they had some interesting issues coming up, obviously the Monthly Financial Report and also their Quarterly Investment Report along with discussions of a new thing called "New Market Tax Credits", that he thought that was going to be very important as they looked at economic development in the City and thought Council Members would be able to articulate the concept of those new credits as projects were being built in their districts, that if they could not be there to please send a representative. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that Mr. Gordon Quan used to sit next to him, that he was one of the most decent and honorable guys that he had ever met, inside or outside of politics, a wonderful person, and 4:00 p.m. media cycle and 5:00 p.m. news the poor guy's accounts were supposed to be negative, they went in to Vernitta Jones office in F&A and asked how in the world did that happen and by 5:10 p.m., five minutes after the story hit, they found out those accounts were not negative, well that poor guy's reputation had been impugned, and the interesting thing was that he thought that was probably more valuable to him, other than his faith and his family, that he did not intend to get along with Mayor White or other Council Members on every other issue because they had policy differences and that was part of representing over 2 million people, but he did try to make it a policy not to engage in "got you" politics, where someone's reputation and hard work were impugned for no good reason other than a good sound bite and that bothered him who he thought always tried to do the right thing and always tried to be honest and decent, and it really bothered him, that he thought the citizens of the City appreciated that there was a sense of fairness down here and there was a sense that nobody was trying to do anything for any other reason than moving the City forward so he hoped they could all be reminded of that. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to thank the following, Mr. Merrick Hamilton, who just started at the front desk of the City Hall Annex and was a very nice gentleman and seemed to be enjoying their work, the contract security, Kathy and the HPD Officers, who had

all pitched in to be wonderful, that he wanted to thank F&A for doing some wonderful work, that they had all been through a world of hurt over a couple of rogue employees who did some things that hurt each and every Council Member in some way and when they had to have conversations with the public they saw how it hurt the image of the City Council, that they were trying to move forward and do the best that they could because there was still work to be done and Vernitta Jones had absolutely been a great trooper and done so much work, that they were heading into the budget cycle and they would have the Mayor Pro Tem's budget shortly and he hoped they would be happy with it. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Brown stated that he wanted to second what Council Member Green stated about the new "Market Tax Credits", that he thought it was a great opportunity for the City, that he thought in some fashion the City needed it's own office of economic development, that he would love to discuss that with Mayor White further because he had on ground experience related to the need for that. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Brown stated that he had the pleasure of representing the City at the Texas Municipal League meeting last week, that he thought it was a very high level and informative group and was obviously a pro city group, that they talked mostly about land use issues. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Brown stated that one of the great icons of American urbanism, Ms. Jane Jacobs, died yesterday, that she wrote in the sixties a book called "Death and Life of the Great American City", that she had an enormous effect on how they conceived, planned and managed their cities. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Brown stated that a number of people had mentioned to him about address signs in the City of Houston, that they were trying to find a building and could not find an address anywhere, that some States had addresses along freeways, that they had exits for blocks of the freeways, that he thought that would be a good pairing with SafeClear in the attempt to make the freeways work better. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Clutterbuck stated that she wanted to thank Mayor White and the Houston Police Department for activating the Mobile Police Command Station and for calling attention to it, that she thought it was an outstanding opportunity for the citizens to see more visibility and also a very real way of attacking crime and dealing with hot spots, that in addition to responding to crime they would be conducting public intoxication sweeps, DWI and traffic enforcement, warrant execution, Civility Ordinance enforcement, sex offender registration and gang prevention education and graffiti abatement education, all of the things that contributed to their quality of life and would result in reduction of crime and send a very strong message to the citizens, especially those perpetrating the crimes that Houston was not going to stand for it anymore, that she wanted to thank certain individuals in the Houston Police Department, thanks in large part to their overtime initiative which had allowed them the time to research and work hard on solving a particular crime, they had been successful in solving a particularly violent crime of a District C resident that occurred back in December, that it was the murder of Mr. Norman Oshman, who was murdered in his apartment in the Galleria area when he returned from a business trip and surprised a burglar at his resident. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Lovell stated that this weekend her oldest son was driving and his car went out and he pulled over on the side at I-45 and Cullen and he was approached by a wrecker driver that told him that he needed to get his car out of there and if he did not the police were going to come and give him a ticket and then haul his car away to an impound that would cost him a lot money, that in his situation he was not able to get a hold of her and allowed the

wrecker driver to do it, that she brought it up because she took full responsibility for not educating him about the SafeClear Program, which she thought was a wonderful program, that consequently they incurred a very large towing fee and it was taken to the County impound where it was an expensive lesson for him, that her point was that maybe on the SafeClear Program when they take defensive driving or go to driving school they learn many things and part of the learning process should be that the City had in place a very good program to help them when they were in trouble, and when they look at getting the information out to the defensive driving and safety driving schools, that they could at least give to their students as part of their education process that when something happens to their car and they pull over what the City had in place for them, what their options were, at least with SafeClear and what to look for, so that other parents or teenagers would not incur the kind of cost that her son did this weekend, that she did not know how they would do that but she would really like to look at how they could do that if it was possible. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to let the community know that they had lost one of their most dedicated activists in their community, that Ms. Rose Upshaw, who was 48 years old, a woman, wife, sister and friend of the community who not only gave her time but her money and creativeness, that she was the type of women who not only talked about the problem but wanted to solve it and get it down, what could she do and how could she use her skills, that she was killed in a car accident last week and her memorial service would be held tonight at the Shrine of the Black Madonna, 5317 MLK, that she would be interred at her family homestead in Alabama. Council Members Lawrence, Clutterbuck, Wiseman and Sekula-Gibbs absent.

Council Member Edwards stated that she was the proud grandmother of ten grandchildren and her oldest grandson would be graduating in Illinois from high school and he received a full soccer scholarship and she was so proud of him, that he had been a good student, son and grandson and was going to be a great soccer player, that he signed his letter of intent on Monday, that they were really proud of him. Council Members Lawrence, Clutterbuck, Wiseman and Sekula-Gibbs absent.

Council Member Garcia stated that he wanted to give acknowledgement, recognition and appreciation to one of his staff members, Ms. Rebecca Reyna, that she had done a tremendous job in helping to work with the various issues, especially in the area of Development and Planning and those related type of important issues in his district, that unfortunately she needed to go on to greener pastures and was going over to the Housing and Community Development Department. Council Members Lawrence, Clutterbuck, Wiseman and Sekula-Gibbs absent.

Council Member Garcia stated that the Nueva Casa Health Center in his district would be recognized this evening for achieving a 96% immunization coverage rate, that it was important given the fact that Houston and Texas were well below the National and State averages of immunization coverage, that he wanted to applaud Antonia Stewart and her staff at the Nueva Casa Clinic, that it was the third year that they had achieved at least 90% and were going to be recognized at the University of Houston tonight, that it was also important to recognize that it was also National Infant Immunization Week and his office was kicking off the Annual Viva La Vacuna, Don't Wait Vaccinate Campaign to make sure that parents and families and individuals knew that it was important to get their children immunized early. Council Members Lawrence, Clutterbuck, Wiseman and Sekula-Gibbs absent.

Council Member Garcia stated that this Friday would be Kettleson Elementary Spring Festival, along with North Lindale Spring Festival which would be held Saturday from 11:00 a.m. to 4:00 p.m., that also on Saturday would be National Crime Victim's Rights Week and there would be a ceremony vigil held Saturday evening at 5:30 p.m. for the unsolved homicides, that on Sunday would be Saint Charles Borromeo Bazaar at Tidwell and Magellion and would encourage people to come by and support the church and the school, that also on Sunday a

legend would be coming to the City and wanted to thank Mayor White's administration for helping to make sure that they were doing their share of recognizing Mr. Antonio Aguilar's accomplishments in Houston and his support of the Houston community and the work that he had done as a whole, that Mr. Aguilar was a long time legend and had been in the business for over 50 years and was known as a Roy Rogers of Mexico, a singing cowboy, that he had nearly 200 albums and 200 films to his credit, that he was about 90 years old and was making his final debut in the Houston community, that his show incorporated beautiful horses, that Sunday they would be proclaiming it Antonio Aguilar Day in Houston, Texas. Council Members Lawrence, Clutterbuck, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Holm stated that for three weeks she had talked about the lane closure situation, that the City Council passed an ordinance about a year ago for lane closures and the reason for it was to allow people to pay for the use of the street in the event they had an hour or maybe a day that they needed the street in order to accomplish something, that because they tried to accomplish but did not do it as well as they should have she thought it had created a serious problem and now what people, developers and builders, were doing was using a very low scale, they were going to Public Works and Engineering and literally closing lanes that were supposed to be used for public transportation and cars for not only days, weeks or months but for years while they build apartments, housing or buildings, that she had two in her district that she had been talking about and there were two this morning on television, that she thought that they had to go back and look at that whole ordinance, it was not a question of just raising the rates, it was why did they have public streets, what were they used for and what was acceptable and what was not, that she had one that for three years three of the four lanes were going to be closed so that they could store equipment to build, that it was Westbriar and Midlane and there were two this mornings, that it was between Post Oak Lane and Post Oak Boulevard, that it seemed to her an inappropriate use, that if they were going to allow that to happen for any usage then set the fee, that she had a lot of streets that would raise the \$1,500 per year just to close the street, that they were not getting anybody's attention on it and it was really important, that she thought it needed to go back to the planning process. Council Members Lawrence, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that when it had been brought to his attention he did review it in some detail with Director Marcotte and Mr. Norman and they talked about very specific criteria which he had not memorized, that he was going to give Mr. Norman some direction about feedback to give to the City Council, number one, minimize construction to mobility, number two, accommodate development within the City limits, number three, try to reduce the impact, the overall duration and use of the streets where there were alternatives present, that he thought that number four was compliance with the procedure for stakeholder notification and posing that obligation of stake holder notification on the contractor, coming up with some identification that would be very specific and objective concerning who those stakeholders were and the manner of notification, including the form that would be used, and having a relatively senior person make a determination concerning the criteria, that he believed that he stated the criteria correctly and that Mr. Marcotte should send back to him the memo reflecting what the policy was that was established by them on Friday and then what the implementation steps were and to copy that to all Council Members. Council Members Lawrence, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

There being no further business before Council, the City Council adjourned at 11:00 a.m. Council Member Johnson absent due to being ill. Council Members Lawrence, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary